



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

LAURA L. ROZUMALSKI,
Plaintiff,

v.

Case No: 3:17-CV-523

W.F. BAIRD & ASSOCIATES LTD.,
Defendant.

**DEFENDANT W.F. BAIRD & ASSOCIATES LTD.'S RESPONSES TO
PLAINTIFF LAURA L. ROZUMALSKI'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR THE PRODUCTION OF
DOCUMENTS TO DEFENDANT**

TO: Laura L. Rozumalski
c/o Attorney Nicole Marklein Bacher
Cross, Jenks, Mercer & Maffei LLP
221 3rd Avenue
P.O. Box 556
Baraboo, WI 53913

PLEASE TAKE NOTICE that Defendant, W. F. Baird & Associates Ltd. ("Baird"), by its undersigned counsel, DeWitt Ross & Stevens S.C., responds to Plaintiff Laura L. Rozumalski's First Set of Interrogatories and Requests for Production of Documents to Defendant as follows:

INTERROGATORIES

INTERROGATORY NO. 1: Please provide the requested information with respect to the following statement in your May 1, 2014 letter to Rozumalski:

The Roanoke River Erosion Study in April 2013, where significant re-writing of the report was required, and deliverables were late. Overall, this project was completed at a performance level that was below that expected from someone at your staff level and experience.

- a. List specifically each manner in which the report was required to be re-written;

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All communications (including audio files) made January 1, 2007 through December 31, 2017, from any employee or agent of Baird regarding placing any employee of Baird on an Employee Improvement Plan (EIP). This request specifically excludes only those communications protected by attorney-client privilege.

ANSWER TO REQUEST FOR PRODUCTION NO. 1: Baird objects to Request No. 1 on the grounds that it is overbroad, not reasonably limited as to time or scope, seeks the production of irrelevant materials, and is unduly vague and ambiguous as to the phrases “any employee or agent of Baird” and “any employee of Baird.” Indeed, Request No. 1 seeks information well beyond Ms. Rozumalski’s dates of employment, information regarding individuals working out of a location other than Baird’s Madison office, and information regarding individuals who worked/work for Baird in non-engineering capacities. Request No. 1 is vague and ambiguous as to whether it seeks information about Baird’s Madison employees, Baird’s United States employees, Baird’s international employees (other than Canada), or Baird’s Canadian employees, despite the fact that Baird’s Canadian employees are employed by a separate entity than the employees in Madison. Subject to and without waiving the foregoing objections, Baird has produced concurrently herewith all communications (including audio files) made January 1, 2007, through December 31, 2017, from any employee or agent of Baird regarding placing any United States or Canadian employee of Baird on an EIP. The communications are bates-labeled WFB000067-WFB000087.

REQUEST FOR PRODUCTION NO. 2: All Employee Improvement Plans (EIPs) issued to any employee of Baird at any time from January 1, 2007 through December 31, 2017.

ANSWER TO REQUEST FOR PRODUCTION NO. 2: Baird objects to Request No. 2 on the grounds that it is overbroad, not reasonably limited as to time or scope, and vague and ambiguous as to the phrase “any employee of Baird.” Indeed, Request No. 2 seeks information well beyond the period of Ms. Rozumalski’s former employment, information regarding individuals working out of a location other than Baird’s Madison office, and information regarding individuals who worked/work for Baird in non-engineering capacities. Request No. 2 is vague and ambiguous as to whether it seeks information about Baird’s Madison employees, Baird’s United States employees, Baird’s Canadian employees, despite the fact that they are employed by a separate entity than the employees in Madison, or Baird’s other employees worldwide. Subject to and without waiving the foregoing objections, see documents produced in response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 3: All communications (including audio files) by any employee or agent of Baird referencing, mentioning or discussing Laura Rozumalski from January 1, 2010 to present. This request specifically excludes only those communications protected by attorney-client privilege.

ANSWER TO REQUEST FOR PRODUCTION NO. 3: On or about February 26, 2018, Baird’s counsel emailed Ms. Rozumalski’s counsel regarding Baird’s objections and concerns with respect to Request No. 3. That email is incorporated herein by reference. On or about February 28, 2018, Ms. Rozumalski’s counsel emailed Baird’s counsel and proposed to limit Request No. 3 as follows:

Time period: Date of Ms. Rozumalski’s hire to present;

Scope:

- a. All electronic communications referencing, mentioning or discussing Laura Rozumalski; and

Jeff Bellile

From: Ed Liegel
Sent: Friday, February 16, 2018 3:24 PM
To: Jeff Bellile
Cc: Matt Clark
Subject: FW: Performance Review - Keith VerKuilen

From: Matt Clark
Sent: Thursday, September 29, 2016 5:55 AM
To: Keith VerKuilen <kverkuilen@baird.com>
Cc: Brad Rask <brask@baird.com>; Ed Liegel <eliegel@baird.com>
Subject: Performance Review - Keith VerKuilen

Keith:

This email is to confirm our conversation of last Wednesday, September 21 for a mid-point check-in on your performance. Please confirm receipt of this message and let me know if you have any edits.

Matt

Date: September 21, 2016
Attendees: Keith VerKuilen, Ed Liegel, Matthew Clark

Keith met with Ed and Matt to go over the issues raised in his 30-day correction plan. Successful completion of the plan is required for continued employment at Baird. The issues discussed were:

- i. Requirement - Keith is to check-in with Brad at the beginning of every work day and keep him apprised of his workload throughout each work day.
 - a. Review - Keith is reporting to Brad for task assignments and Brad is reviewing his work.
- ii. Requirement - Brad will provide review of work product prepared by Keith and maintain a log of assignment completion and quality.
 - a. Review - At this stage, Keith remains behind in expected work quality. Assignments continue to take longer than anticipated due to correcting simple mistakes.
- iii. Requirement - Keith will take notes to make sure he understands task instructions and also to retain knowledge learned in CAD training.
 - a. Review - At this stage, Keith is behind in the amount of improvement that was expected. Keith is retaining only partial knowledge of the weekly CAD training.
- iv. Requirement - We will have follow-up meeting on September 21 and October 7 to review status.
 - a. Review - Keith will continue to put effort into improving his performance and we will review again on Oct 7.

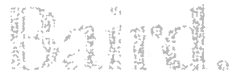
It was repeated to Keith that for the plan to be successful, he is the one who is responsible for producing a major improvement in his work quality, initiative, and knowledge retention.

Sincerely,

Matthew Clark

Resource Manager – Madison Office

Matthew J. Clark, P.E., CENG, PMP | Senior Marine Engineer
608.271.0271 | m30862@baird.com
Baird, 2000 Lakeside Drive, Suite 200
Madison, WI USA 53719



608.271.0271 | m30862@baird.com | NY, NC, OH, WI

From: Keith VerKuijen
Sent: Monday, September 12, 2016 2:40 PM
To: Matt Clark <mclark@baird.com>
Cc: Brad Rask <brask@baird.com>; Ed Liegel <eliegel@baird.com>
Subject: RE: Performance Review - Keith VerKuijen

Matt:

The performance review notes look accurate from the Sept. 7 meeting. I have no edits or questions at this time.

I look forward to our discussion Sept. 21.

Thank you,

Keith VerKuijen, CST | Civil Technician
608.271.0272
kverkuijen@baird.com | baird.com
2000 Lakeside Drive, Suite 200
Madison, WI USA 53719



From: Matt Clark
Sent: Monday, September 12, 2016 1:44 PM
To: Keith VerKuijen <kverkuijen@baird.com>
Cc: Brad Rask <brask@baird.com>; Ed Liegel <eliegel@baird.com>
Subject: Performance Review - Keith VerKuijen

Keith:

The summary of your 60 day review is below. Note that I included another review at the midway point (Sept 21) of the 30-day period, in addition to our October 7 review.

Please confirm receipt and let me know if you have any edits or questions.

Matt

Date: Sept 7, 2016

Attendees: Keith VerKuilen, Brad Rask, Ed Liegel, Matt Clark

Keith met with Brad, Ed and Matt to go over his 60-day review. This involved an opportunity for Keith to provide feedback regarding his experience at Baird. Additionally, it was an opportunity to provide Keith input on his performance since he started with Baird on July 11.

From Keith – The environment in the office is good, with work being fast paced. Brad is a reliable go-to person for answering questions that Keith may have. Regarding work from other offices, Brad will distribute work to Keith as requests come in from Ottawa, Oakville, Australia, etc. All in all, Keith did not have any major concerns with working at Baird

Performance Review – Matt let Keith know that there were serious deficiencies in Keith's performance. These related to:

- i. Taking initiative – when work is completed, Keith should not wait at his desk for other work to be assigned, but be in direct contact with Brad regarding his availability for new assignments;
- ii. Deficient technical capability – regarding his knowledge of AutoCAD Civil 3D;
- iii. Following instructions and retaining training – not following instructions regarding the assignment and not applying all knowledge learned previously during in-office training;

A 30-day correction plan will be implemented starting September 8. Successful completion of the plan is required for continued employment at Baird. The correction plan will involve:

- i. Keith is to check-in with Brad at the beginning of every work day and keep him apprised of his workload throughout each work day
- ii. Brad will provide review of work product prepared by Keith and maintain a log of assignment completion and quality
- iii. Keith will take notes to make sure he understands task instructions and also to retain knowledge learned in CAD training
- iv. We will have follow-up meeting on September 21 and October 7 to review status.

For the plan to be successful Keith is the one who is responsible for producing a major improvement in his work quality, initiative, and knowledge retention.

Sincerely,

Matthew Clark
Resource Manager – Madison Office

Matthew J. Clark, P.E., CENG, PMP | Senior Marine Engineer
501-711-0551 | mjc@baird.com
baird.com | 1000 Lakeshore Drive, Suite 200
Evanston, IL 60201-5551

Baird

Date: May 19, 2014

Re: Employee Improvement Plan (EIP) – Week 2 (May19 -23)

Areas of Concern:

- *Maintenance of a consistently high level of quality in assigned task*
- *Commitment to deliverables*
- *Effective Communication*
- *Timekeeping and attendance*

Assignment of Task:

1. Kalamazoo gauge data

- a. 10 major tributaries with time series of flow of each. A review needs to be completed on LimnoTech flow data. Review of their work and how it can be improved. Updating of the curves should be done and a recommendation should be provided on both the strengths and weaknesses. This should be complete by end of day May 16th. Alex is in Kalamazoo this week and can be reached by cell phone. Additional resources are Amanda Stone and Jennifer Farrow for questions. (Draft Report for LimnoTech Tributary Flow Estimation Methods sent to Alex on Friday May 16th) Has your independent analysis and recommendations been provided to Alex? Strengths and weakness and how to improve on? Need of critical review of the LimnoTech analysis, not a copy of the formula's used. Summary of the strengths & weaknesses, data gaps, gaps in assumptions and recommendations for further analysis. Also a need to see progress on updating their analysis with recent gauge data.
- b. Call Alex on Tuesday Morning 8:30 am.

2. Follow up with Kleinschmidt on timing and priority (Update from Prior Week)

- a. Alex has requested that any field work for Kleinschmidt be delayed for at least 6 weeks out, because of Kalamazoo. Laura should follow up with KS on proposed dates that would work after June 30th.

Remaining Project Task:

- Home Farm geomorphic analysis - To be discussed once above task is completed. Approx 1 week of time.
- Capers Ridge bank erosion analysis - To be discussed once above task is complete. Approx. 1 week of time.

Baird

- First Nations bank erosion assessment and conceptual design – Pending contract execution and 1 week of time.
- Business development - Guidelines from Matt

Baird

Friday – Assume that she has done more than that,

Gauge Data - Need to do analysis and propose , little behind in that.

Comment on Review and if it was appropriate

Take Curves and update with gauge data.

Provide recommendation

Do we need to talk through step by step (Should not have to do)

Review and comment

Cracking with analysis

Call Tuesday Morning – If she is struggling we need to talk immediately

Review of Limnotach complete

Need Strength & weakness – Need feedback

Baird

Date: May 27, 2014

Re: Employee Improvement Plan (EIP) – Week 3 (May27 -30)

Areas of Concern:

- *Maintenance of a consistently high level of quality in assigned task*
- *Commitment to deliverables*
- *Effective Communication*
- *Timekeeping and attendance*

Assignment of Task and completion of prior week task

1. Kalamazoo gauge data

- a. Update from Laura on Gauge Data and recommendation to Alex
 - i. Review & Test what has been done by LimnoTech
 - ii. Take relationships from 1999
 - iii. Run same calculation based on those relationships
 - iv. Validation test to 2014
 - v. Come up with recommendation on how the model will behave
- b. Dig deeper into assumptions made by LimnoTech and list bullet points on those assumptions
- c. Identify data gaps and come up with recommendations. Make sure an understanding of those gaps in the data.
- d. Document all work
- e. Critical path to complete modelling, needs to be completed by May 23rd.

2. Follow up with Kleinschmidt on timing and priority (Update from Prior Week)

- a. Update from KS yet?

New Task for current week:

1. Discuss with Alex at meeting @ 2:00Pm

Remaining Project Task:

- Home Farm geomorphic analysis - To be discussed once above task is completed. Approx 1 week of time.

Baird

- Capers Ridge bank erosion analysis - To be discussed once above task is complete. Approx. 1 week of time.
- First Nations bank erosion assessment and conceptual design – Pending contract execution and 1 week of time.
- Business development - Guidelines from Matt

Baird

WFB000076

Baird

Date: May 8, 2014

Re: Employee Improvement Plan (EIP) – Summary of Discussion

Areas of Concern:

- *Maintenance of a consistently high level of quality in assigned task*
- *Commitment to deliverables*
- *Effective Communication*
- *Timekeeping and attendance*

Assignment of Task:

1. Renaming of Kalamazoo Files

- a. May take the remainder of the week. Expectation is to complete 20 per hour or 160 per day.
- b. EPA 2 & 3 folders are completed. As of May 8th, working on EPA 4

Remaining Project Task:

- Home Farm geomorphic analysis - To be discussed once above task is completed. Approx 1 week of time.
- Capers Ridge bank erosion analysis - To be discussed once above task is complete. Approx. 1 week of time.
- First Nations bank erosion assessment and conceptual design – Pending contract execution and 1 week of time.
- Menominee River - Update on project status - We are still waiting on report comments from the Corps. Any work plan updates needed?
- Other commitments on active projects?
- Business development - Guidelines from Matt

Meeting Recap:

Kalamazoo

Renaming of Kalamazoo files continue - EPA 2/EPA 3 are complete with items in EPA 4 and Jenkins folders remain. Should have the remaining 2 folders completed by the end of the week. Communication of project status is being done through Jen Gibson in Oakville.

Reviewed remaining project task identified above. Menominee River is in the review process with the Corps and we are awaiting comments back. No follow up is needed with Mike D. at this time. Leesville/Claytor - We are waiting to hear back from Kleinschmidt on dates to conduct field work. Laura will need to propose a couple of options for them, but also will need a timeline from Alex on the work he has identified.

Baird

It was also identified that the tributary rating curves that Limnotech produced will have to be validated and will be done by Laura. Need a timeline from Alex on when this needs to be completed. (Alex to provide)

Business Development task was not discussed. SAME monthly meeting was not attended by Laura on May 8th as continuation of remaining task was a priority.

Laura is on Vacation starting on Friday June 13th and will be returning on Monday June 23rd.

Next Meeting will be on Monday May 12th.

Next 6 weeks are critical for Kalamazoo for Baird. Push things for 6 weeks to avoid schedule conflicts – per Alex.

Feedback from Kleinschmidt on timing and priority (Status Update E-mail or call needed) (Laura to Follow Up after Alex input from on schedule conflicts or after a date that won't conflict with other projects)

Baird

Date: May 6, 2014
To: Laura Rozumalski
From: Jeff Bellile
Re: Employee Improvement Plan (EIP)

Dear Ms. Rozumalski:

As indicated in our memo of May 1, 2014, we are implementing an Employee Improvement Plan (EIP).

The purpose of this EIP is to define areas of concern, regarding your performance, outline Baird's expectations to address those concerns, and provide you the opportunity to improve your performance.

Areas of Concern:

- *Maintenance of a consistently high level of quality in assigned task*
- *Commitment to deliverables*
- *Effective Communication*
- *Timekeeping and attendance*

These four primary areas of concern have been previously presented to you in the Baird letters dated December 19th, 2013 & February 18th, 2014 and will provide the basis for the EIP.

Improvement Goals:

- (i) Maintenance of a consistently high level of quality in assigned tasks
 1. You will maintain a readme file of all work tasks in the project folders in order for Quality Control reviews to occur.
 2. You will review your execution plan with the Project Manager for tasks that have been assigned to you, prior to beginning work.
 3. All tasks you undertake will be reviewed by your Project Manager(s) and/or me. You will be provided with feedback and the opportunity to correct any deficiencies in your project work.
- (ii) Commitment to deliverables
 1. Meet project and task assignment deadlines (e.g. project tasks, business development, administrative tasks, etc.)
 2. You are to advise me and the Project Manager of any particular task if there is an issue precluding execution of the work by the deadline. If this occurs, the Project Manager will issue a revised set of task instructions.
- (iii) Effective communications

WFB000079

Laura Rozumalski
May 6, 2014
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Baird

1. For each task assignment, Baird expects you to be able to demonstrate effective communication with the PM and other team members. This includes keeping your PM and team members informed of your work progress, asking questions as necessary for you to complete tasks, and following up promptly on requests.
- (iv) Timekeeping and attendance
 1. Record all hours worked on your timesheet, including timesheet comments for all activities and tasks. You should maintain a journal of your work assignments which will include your task description, a summary of the activity you are undertaking and log of the time required to complete the task.
 2. Your workday will be from 8:00 am to 5:00 pm Monday – Friday.
 3. Notify me prior to 7:45 am, if you will be tardy for the day.
 4. Notify me if your work can not be completed prior to 5:00 pm for the day.
 5. Working from home on evenings and weekends, during the EIP period, is not permitted unless prior arrangements are made with me.

Resources and Management Support:

Jeff Bellile – Office Leader
Matt Clark – Resource Manager
Various Project Managers

Follow-up Updates:

You will meet with both Matt Clark and I every Monday (time to be determined) to review progress and be evaluated against your improvement goals listed above. At these meetings, progress toward meeting the goals will be reviewed.

You will receive feedback regarding your performance, suggestions for improvement, and review tasks and deadlines for the upcoming week.

Timeline for Improvement, Consequences and Expectations:

Effective the date indicated in the signature block below, you are placed on this 60 day Employee Improvement Plan. During this period, you will be expected to make regular progress on the plan outlined above. Failure to meet or exceed these expectations, or any display of gross misconduct will result in further disciplinary action, up to and including termination.

In addition, if there is no significant performance improvement to indicate that the expectations and goals will be met within the timeline indicated, your employment may be terminated prior to the 60 days. Furthermore, failure to maintain performance expectations after the completion of the EIP may result in additional disciplinary action.

Laura Rozumalski
May 6, 2014
Page 3 of 3

Baird

up to and including termination. Your signature below indicates your acceptance of the requirements of this EIP. If you are not willing to accept this EIP, you may be terminated.

This EIP does not alter the employment-at-will relationship. The contents of this EIP are to remain confidential. Should you have any questions or concerns regarding the content, you will be expected to follow up with me directly.

Signatures:

Employee Name: Laura Rozumalski

Employee

Signature: 

Date: 5/8/14

O - In acknowledgement of this plan, but not in agreement with the associated assessment.

Office Leader Name: Jeff Bellile

Office Leader

Signature: _____

Date: _____

cc: HR File | _____

WFB000081

Baird

Date: June 10, 2014

Re: Employee Improvement Plan (EIP) – Week 5 (June 9-13)

Areas of Concern:

- *Maintenance of a consistently high level of quality in assigned task*
- *Commitment to deliverables*
- *Effective Communication*
- *Timekeeping and attendance*

Assignment of Task and completion of prior week task

1. Kalamazoo

SWAT – Continue to support Onur and Peter and make sure that all readme files on every piece of analysis that is being done – Has this been done for the prior week? If so, where are they?

Need to finish up with accompanying documentation for her analysis. Has this been send to Alex for review? Tributary report as if it was go into a final report to the client. (Can you finalize write up of what you have done). Expect cut and paste into a final report. If not clear need to talk to Alex, need to write as if final report of what she did and how she did it (assumptions, ect.)

New Task for current week:

Continue to work on SWAT task to support Onur and Peter. README files are important and need to be documented.

Remaining Project Task:

- Home Farm geomorphic analysis – Will be needed when you return from vacation. Alex is sending me, via Fed Ex, background information about the project. Should take approx 1 week to complete.
- Initiative Summary report (Alex will write up Summary Report for Rivers and Watersheds and provide Laura a copy.
- Capers Ridge bank erosion analysis - To be discussed once above task is complete. Approx. 1 week of time.
- First Nations bank erosion assessment and conceptual design – Pending contract execution and 1 week of time.
- Business development - Guidelines from Matt

Baird

WFB000083

Baird

Baird

Date: June 3, 2014

Re: Employee Improvement Plan (EIP) – Week 3 (June 2-6)

Areas of Concern:

- *Maintenance of a consistently high level of quality in assigned task*
- *Commitment to deliverables*
- *Effective Communication*
- *Timekeeping and attendance*

Assignment of Task and completion of prior week task

1. Kalamazoo gauge data

- a) Status Update on gauge data report to Alex. Alex was Ok with the data analysis, some mistakes along the way and took too long to complete. - disappointed how long it took.
- b) Need to finish up with accompanying documentation for her analysis. (when can she complete this task)? Peter M. is doing the GIS bits and Laura will provide the inputs/interpret outputs.

2. Follow up with Kleinschmidt on timing and priority (Update from Prior Week)

- a. **Update from KS yet?**

New Task for current week:

1. Working with Amanda Stone on KZoo Project – SWAT model. She will advise us as she did with Battle Creek and the Battle Creek calibrations will be a start.

Remaining Project Task:

- Home Farm geomorphic analysis - To be discussed once above task is completed. Approx 1 week of time.
- Capers Ridge bank erosion analysis - To be discussed once above task is complete. Approx. 1 week of time.
- First Nations bank erosion assessment and conceptual design – Pending contract execution and 1 week of time.
- Business development - Guidelines from Matt

Baird

Baird

WFB000087